IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.7455 of 2005

Pramod Prabhakar Ahire . Petitioner.
Vs
The State of Maharashtra and ors. ..Respondents

Mr R.K.Mendadkar for the petitioner.
Mr.V.P.Malvankar Asst. Govt.Pleader for respondents

CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.

DATE: 12th December, 2006.

P.C.:-

The petitioner has impugned the order dated 3rd October 2005 passed by the Caste Scrutiny Committee-respondent no. 2 herein invalidating the caste certificate dated 14th April, 1993 Exhibit A to the petition whereby he has been identified as belonging to the Thakur Scheduled Tribe. The case of the petitioner is that his sister Kum Ratna Prabhakar Ahire had applied for such certificate on 18th May, 2005 and the same had been granted by the Caste Scrutiny Committee, and there was no justification in invalidating his claim as belonging to the same category. The respondents in their reply have given an explanation which we find completely unwarranted. In paras 12 and 13 it has been averred as under:

> “12. With reference to the para no.17 of the writ petition I say that the then Members of the Committee did not adopt the view taken by the present Committee Members and therefore the caste claim of the petitioner's real sister validated by the then Committee.
>
> 13. With reference to the para 18 of the writ petition I say that I repeat and reiterate that merely the validity is granted to the sister of the petitioner does not amount a ground for validation of subsequent caste claim to the nearest blood relatives. Each claimant has to stand on his/her own legs which is categorically stated in the judgment reported in AIR 1995 SC 94 in the case if Madhuri Patil vs State”.

We are of the opinion that this observation is clearly unacceptable and show that the Caste Scrutiny Committee had not done its job with an open mind. The learned Asst. Government Pleader has, however, drawn our attention to para 21 of the reply to argue that the Scrutiny Committee had taken an independent decision in the matter and that the documents produced by the petitioner did not justify his claim. We find this plea untenable as it has not been denied that Kumari Ratna

Prabhakar Ahire was the real sister of the petitioner. We have therefore no option but to quash the impugned order Exhibit A and direct that the petitioner shall have the costs of this petition as well which are quantified at Rs.1000/- to be paid by the respondents. We further direct the Scrutiny Committee to issue the caste validity certificate to the petitioner within a period of two weeks from today.

Rule is accordingly made absolute in terms of prayer clause (b).

CHIEF JUSTICE.

V.M.KANADE, J.